

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MICHAEL GARRETT,

Petitioner,

v.

MICHIGAN DEPARTMENT OF
CORRECTIONS,

Respondent.

CASE NO. 2:11-CV-10305
HONORABLE LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

**OPINION AND ORDER DENYING
MOTION FOR RECONSIDERATION
and MOTION FOR EVIDENTIARY HEARING**

Petitioner, presently confined at the Chippewa Correctional Facility in Kincheloe, Michigan, timely filed a Motion for Reconsideration (Docket #4) regarding the Opinion and Order entered by this Court on February 16, 2011. Since then, Petitioner also has filed a Motion for Evidentiary Hearing (Docket #5), and a Motion to Extend Time for Filing a Notice of Appeal (Docket #6).

The Court has reviewed the arguments and authority set forth by Petitioner in his Motion for Reconsideration. In order to obtain reconsideration of a particular matter, the party bringing the motion for reconsideration must: (1) demonstrate a palpable defect by which the court and the parties have been misled, and (2) demonstrate that “correcting the defect will result in a different disposition of the case.” E.D. Mich. L.R. 7.1(h)(3). See also *Graham ex rel. Estate of Graham v. County of Washtenaw*, 358 F.3d 377, 385 (6th Cir. 2004); *Aetna Cas. and Sur. Co. v Dow Chemical Co.*, 44 F.Supp.2d 865, 866 (E.D. Mich. 1999); *Kirkpatrick v. General Electric*, 969 F.Supp. 457, 459 (E.D. Mich. 1997). “[T]he court will not grant motions for rehearing or reconsideration that

merely present the same issues ruled upon by the court, either expressly or by reasonable implication.” E.D. MICH. LR 7.1(h)(3). In his Motion for Reconsideration, Petitioner has, in essence, reiterated the arguments he made in his petition, which the Court previously reviewed, considered and decided. In other words, Petitioner is asking the Court to revisit the same issues expressly ruled upon by the Court in ruling on his petition. As such, the Court shall not grant the Motion for Reconsideration. In addition, the Court notes that, contrary to Petitioner’s contentions, (a) his petition was reviewed in light of the fact that he is a *pro se* litigant, (b) the Court reviewed the entirety of Petitioner’s petition, and (c) the Court has the power to summarily dismiss his petition. The fact of the matter is that neither of the grounds asserted by Petitioner in his petition has any merit, as set forth in detail in the Court’s February 16, 2011, Opinion and Order.

For the foregoing reasons, the Court hereby DENIES Petitioner’s Motion for Reconsideration (Docket #4) and DENIES AS MOOT Petitioner’s Motion for Evidentiary Hearing (Docket #5).

Finally, for the reasons set forth in Petitioner’s Motion to Extend Time for Filing a Notice of Appeal (Docket #6), the Court GRANTS Petitioner’s Motion to Extend Time for Filing a Notice of Appeal. IT IS HEREBY ORDERED that Petitioner file his Notice of Appeal regarding any (and all) decisions of this Court on or before July 31, 2011.¹

IT IS SO ORDERED.

S/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

¹The Court reminds Petitioner, however, that the Court previously denied Petitioner a certificate of appealability and leave to appeal *in forma pauperis* and that those rulings remain intact.

Dated: June 29, 2011

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on June 29, 2011.

S/Marie E. Verlinde

Case Manager
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